

Richard M. Heimann (State Bar No. 63607)
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
Embarcadero Center West
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

Bruce L. Simon (State Bar No. 96241)
PEARSON, SIMON, WARSHAW & PENNY, LLP
44 Montgomery Street, Suite 2450
San Francisco, CA 94104
Telephone: (415) 433-9000
Facsimile: (415) 433-9008

Interim Co-Lead Counsel for the Direct Purchaser Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Master File No. M07-1827 SI

MDL No. 1827

This Document Relates to:
ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF ANDREW S.
KINGSDALE IN SUPPORT OF
PLAINTIFFS' *EX PARTE* REQUEST FOR
ISSUANCE OF LETTER ROGATORY FOR
SERVICE ON MITSUI AND COMPANY
(TAIWAN) AND PARTIAL RELIEF FROM
CIVIL LOCAL RULE 4-2**

The Honorable Susan Illston

I, Andrew S. Kingsdale, declare as follows:

1. I am an Associate in the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP, a member of the State Bar of California, and am admitted to practice before the United States District Court for the Northern District of California. I am one of the counsel for the Direct Purchaser Plaintiffs in this action. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the truth of the matters stated herein.

2. Plaintiffs have retained Legal Language Services (“LLS”), a company that specializes in serving foreign entities, to assist in serving Mitsui & Company (Taiwan), Limited (“Mitsui Taiwan”) and Sanyo Consumer Electronics, Ltd. (“Sanyo”).

3. According to Legal Language Services, translations of the served documents are required both for service on Mitsui Taiwan via letter rogatory and on Sanyo via Hague Convention. In addition to the summons and Third Amended Direct Purchasers’ Consolidated Complaint, plaintiffs are in the process of translating and are preparing to serve the following supplemental materials: (1) Judge Illston’s Standing Order; (2) Judge Illston’s Standing Order Re: Cases Designated For Electronic Filing; (3) Judge Illston’s Case Management Conference Order; (4) Northern District of California Standing Order Re: Contents of Joint Case Management Statement; and (5) ECF Registration Information Handout.

4. According to Legal Language Services, serving orders with expired dates may jeopardize service on Mitsui Taiwan in its entirety because the Taiwanese authorities may be unwilling to serve such documents. Taiwanese authorities have rejected service of documents with expired deadlines in the past.

5. Plaintiffs will serve Epson Imaging Devices Corporation through counsel of record as it was previously served overseas. Attached hereto as Exhibit A is true and correct copy of the certificate of service on Epson Imaging Devices Corporation (formerly known as Sanyo Epson Imaging Devices Corporation).

6. Attached hereto as Exhibit B is a true and correct copy of the proposed Request for Judicial Assistance (Letter Rogatory) for Service on Mitsui & Company (Taiwan), Limited. A Word version of the same will be e-mailed to the Court at: Slpo@cand.uscourts.gov.

7. To avoid the possibility of serving Mitsui Taiwan at an expired address, plaintiffs have confirmed the correct address through the database of Taiwan’s Bureau of Foreign Trade, Ministry of Economic Affairs (available at <http://fbfh.trade.gov.tw/rich/test/indexe.asp>), the Taiwan Commerce Industrial Services Portal (available at <http://gcis.nat.gov.tw/index.jsp>), as well as Mitsui’s own websites.

8. Attached hereto as Exhibit C is a true and correct copy of *In Re: Cathode*

1 *Ray Tube (CRT) Antitrust Litigation*, N.D.Cal. CV-07-5944 SC, Order Re: Issuance of Letter
2 Rogatory and Relief from Civil Local Rule 4-2(a), signed February 13, 2008.

3 I declare under penalty of perjury under the laws of the United States that the
4 foregoing is true and correct. Executed this 3rd day of December, 2009, at San Francisco,
5 California.

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7 /s/ Andrew S. Kingsdale
Andrew S. Kingsdale
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Exhibit A

GUIDO SAVERI (22349)
R. ALEXANDER SAVERI (173102)
CADIO ZIRPOLI (179108)
MELISSA C. SHAPIRO (242724)
SAVERI & SAVERI, INC.
111 Pine Street, Suite 1700
San Francisco, CA 94111-5619
Telephone: (415) 217-6810

Attorneys for Plaintiff

[Additional Counsel Appear On Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORION HOME SYSTEMS, LLC, on behalf of itself
and all others similarly situated,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.;
SAMSUNG SEMICONDUCTOR, INC.; LG
PHILIPS LCD CO., LTD.; LG PHILIPS LCD
AMERICA, INC.; SHARP CORPORATION;
SHARP ELECTRONICS CORPORATION;
TOSHIBA CORPORATION; TOSHIBA
MATSUSHITA DISPLAY TECHNOLOGY CO.,
LTD.; HITACHI, LTD.; HITACHI DISPLAYS,
LTD.; HITACHI AMERICA, LTD.; HITACHI
ELECTRONIC DEVICES (USA), INC.; SANYO
EPSON IMAGING DEVICES CORPORATION;
NEC CORPORATION; NEC LCD
TECHNOLOGIES, LTD.; NEC ELECTRONICS
AMERICA, INC.; IDT INTERNATIONAL LTD.;
INTERNATIONAL DISPLAY TECHNOLOGY
CO., LTD.; INTERNATIONAL DISPLAY
TECHNOLOGY USA, INC.; AU OPTRONICS; AU
OPTRONICS CORPORATION AMERICA; CHI
MEI CORPORATION; CHI MEI
OPTOELECTRONICS; CHI MEI
OPTOELECTRONICS USA, INC.; NEXGEN
MEDIATECH USA INC.; CHUNGWA PICTURE
TUBES LTD.; and HANNSTAR DISPLAY
CORPORATION

Defendants.

Case No. 07-cv-00045-SI

CLASS ACTION

PROOF OF SERVICE OF ON
FOREIGN DEFENDANT SANYO
EPSON IMAGING DEVICES

The Honorable Susan Ilston

1 Attached hereto as Exhibit A is a true and correct copy of the Certificate (Attestation) of
2 service of process on defendant Sanyo Epson Imaging Devices Corporation in Japan.

3
4 DATED: April 30, 2007.

/s/ R. Alexander Saveri
GUIDO SAVERI (22349)
R. ALEXANDER SAVERI (173102)
CADIO ZIRPOLI (179108)
MELISSA C. SHAPIRO (242724)
SAVERI & SAVERI, INC.
111 Pine Street, Suite 1700
San Francisco, CA 94111-5619
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

9
10 RANDY RENICK (179652)
LAW OFFICES OF RANDY RENICK
The Marine Building
11 128 North Fair Oaks Avenue, Suite 204
Pasadena, California 91103
12 Telephone: (626) 585-9608

13 Attorneys for Plaintiff
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Exhibit A

Case Name : Orion Home Systems, LLC v. Samsung Electronics Co., Ltd.
 Defendant : Sanyo Epson Imaging Devices Corporation
 Court Case No. : C 07 0045 MJJ

C E R T I F I C A T E A T T E S T A T I O N

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,

1) that the document has been served*

- the (date) March 9, 2007
- at (place, street, number) Epson Imaging Devices Corporation
2-4-1, Hamamatsu-cho, Minato-ku, Tokyo
- in one of the following methods authorized by article 5 -
☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.
~~☐ (b) in accordance with the following particular method*.~~
~~☐ (c) by delivery to the addressee, who accepted it voluntarily*.~~

The documents referred to in the request have been delivered to:

- (identity and description of person) Kimiko Yamada
- relationship to the addressee (family, business or other): Employee of Epson Imaging Devices Corporation

~~2) that the document has not been served, by reason of the following facts*:~~

~~In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.~~

LIST OF DOCUMENTS: See attached List of Documents to be Served

Annexes

Documents returned:

In appropriate cases, documents establishing the service:

Report of Service by Mail

Done at Tokyo, the March 12, 2007

Signature and / or stamp.
 Tokyo District Court,
 Civil 15th
Rika Yamamoto, Clerk

SEAL

* Delete if inappropriate

List of Documents to be Served

- 1) Summary of the Document to be Served
- 2) Summons in a Civil Case
- 3) Class Action Complaint Jury Trial Demand
- 4) Order Setting Initial Case Management Conference and ADR Deadlines
- 5) Standing Order
- 6) Appendix A - Joint Case Management Statement and Proposed Order
- 7) Notice of Availability of Magistrate Judge To Exercise Jurisdiction
- 8) ADR - Dispute Resolution Procedures in the Northern District of California,
United States District Court
- 9) Translations

REPORT OF SERVICE BY MAIL (Address, etc.)		Date March 8, 2007	
Case number 2007 - (I) - 72 = Service of Documents =			
List of Documents 1 Summary of the Document to be Served 2 Summons in a Civil Case 3 Class Action Complaint Jury Trial Demand 4 Order Setting Initial Case Management Conference and ADR Deadlines 5 Standing Order 6 Appendix A - Joint Case Management Statement and Proposed Order 7 Notice of Availability of Magistrate Judge To Exercise Jurisdiction 8 ADR - Dispute Resolution Procedures in the Northern District of California, United States District Court 9 Translations of 2-8			
Sender of Documents Address 1-1-4, Kasumigaseki, Chiyoda-Ku, Tokyo 100-8920 Name Tokyo District Court, Civil 15th			
Recipient of Documents i B Epson Imaging Devices Corporation (formerly known as Sanyo Epson Imaging Devices Corporation)			
Signature and/or seal of person accepting the documents Kimiko Yamada			
Place of service 2-4-1, Hamamatsu-cho, Minato-ku, Tokyo Zip code 105-6115			
Date and time of service <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;"> <div style="border: 1px solid black; padding: 2px;">0</div> <div style="border: 1px solid black; padding: 2px;">3</div> <div>month</div> </div> <div style="text-align: center;"> <div style="border: 1px solid black; padding: 2px;">0</div> <div style="border: 1px solid black; padding: 2px;">9</div> <div>day</div> </div> <div style="text-align: center;"> <div style="border: 1px solid black; padding: 2px;">2</div> <div style="border: 1px solid black; padding: 2px;">0</div> <div style="border: 1px solid black; padding: 2px;">0</div> <div style="border: 1px solid black; padding: 2px;">7</div> <div>year</div> </div> <div style="text-align: center;"> <div style="border: 1px solid black; padding: 2px;">1</div> <div style="border: 1px solid black; padding: 2px;">1</div> <div>time</div> </div> </div>			
Manner of service 1 Personal Service. <div style="display: flex; align-items: center;"> <div style="border: 1px solid black; border-radius: 50%; padding: 2px; margin-right: 10px;">2</div> <div>Substitute service on person left in charge. Clerk Employee A person residing therein Name (Kimiko Yamada)</div> </div> 3 Refusal of service. Defendant Clerk·Employee A person residing therein Name () 4 Service to person who came to post office with an authorizaion. Clerk · Employee A person residing therein Name ()			
for Japanese sender only		I hereby certify these documents to be true. Date : March 9, 2007 Post Office : Shiba Server : Akira Hasegawa	

Seal of
Hasegawa

Receipt
Tokyo
District Court
March 12, 2007
Civil 15th

= Instructions for Japanese only =

- 1 If the person accepting the documents cannot sign or affix their seal, state the reason at Signature and/or seal of person.
- 2 Use 24-Hour System for time of service.
- 3 Enter clearly Place of service.
- 4 If you are served at the post office, enter " at the window " only.

Case Name: Orion Home Systems, LLC v. Samsung Electronics Co., Ltd.
 Defendant: Sanyo Epson Imaging Devices Corporation
 Court Case No.: C 07 0045 MJJ

**CERTIFICATE
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
 L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served*

1. que la demande a été exécutée

- the (date)

- le (date)

- at (place, street, number)

- à (localité, rue numéro)

平成 19 年 3 月 9 日

東京都港区浜松町 2 丁目 4 番地 1 エプソンイメージングデバイス株式会社

- in one of the following methods authorised by article 5-

- dans une des formes suivantes prévues à l'article 5:

☒ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.

a) selon les formes légales (article 5, alinéa premier, lettre a).

☐ (b) in accordance with the following particular method*:

b) selon la forme particulière suivante:

☐ (c) by delivery to the addressee, who accepted it voluntarily.*

c) par remise simple

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

- (identity and description of person)

- (identité et qualité de la personne)

山田喜実子

- relationship to the addressee (family, business or other):

- liens de parenté, de subordination o autres, avec le destinataire de l'acte: エプソンイメージングデバイス株式会社従業員

2) that the document has not been served, by reason of the following facts*:-

2. que la demande n'a pas été exécutée, en raison des faits suivants:-

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*.

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

LIST OF DOCUMENTS: See attached List of Documents to be Served

Annexes

Annexes

Documents returned:

Pièces renvoyées:

In appropriate cases, documents establishing the service:

Le cas échéant, les documents justificatifs de l'exécution:

郵便送達報告書

Done at

Fait à

東京都

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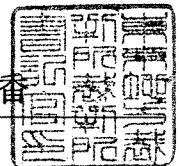
2007. 3. 12

Signature and/or stamp.

Signature et/ou cachet.

東京地方裁判所民事第15部

裁判所書記官 山本 理



* Delete if inappropriate.
 Rayer les mentions inutiles.

List of Documents to be Served

- 1) Summary of the Document to be Served**
- 2) Summons in a Civil Case**
- 3) Class Action Complaint Jury Trial Demand**
- 4) Order Setting Initial Case Management Conference and ADR Deadlines**
- 5) Standing Order**
- 6) Appendix A - Joint Case Management Statement and Proposed Order**
- 7) Notice of Availability of Magistrate Judge to Exercise Jurisdiction**
- 8) ADR - Dispute Resolution Procedures in the Northern District of California,
United States District Court**
- 9) Translations**

郵便送達報告書 (住所、居所等用)		発送年月日	平成19年3月8日
事件番号	平成19年(エ)第72号		
送達書類の名称	1. 文書の受領(SUMMARY OF THE DOCUMENT TO BE SERVED) 2. 民事訴訟召喚状 3. 告訴状、陪審裁判請求 4. 最初の事件管理協議会にてADR締切期限指定命令書 5. 訴訟当事者選定命令書 6. 付加書類、連日訴訟管理月書と提議命令書 7. 裁判官選定行使のための下級裁判の利用可能付に附する通知 8. ADR利用マニュアル北都管轄区における論争決壊手続き 9. 2から8までの訳文 郵便番号 100-8920 東京都千代田区霞が関1丁目1番4号		
差出人	東京地方裁判所民事第15部		
受送達者本人氏名	エプソンイメージングデバイス株式会社 (旧社名三洋エプソンイメージングデバイス株式会社)		
受領者の押印又は署名	山田 喜実子		
送達の場所	郵便番号 105-6115 東京都港区浜松町2丁目4番地1号		
送達年月日時	平成19年03月09日11時		
送達方法	1 受送達者本人に渡した。 2 受送達者本人に出会わなかったため、書類の受領について相当のわきまがあると思われる次の者に渡した。 (2) 使用人・従業者 同居者 氏名(山田喜実子) 次の者が正当な理由なく受取りを拒んだので、その場に差し置いた。 3 受送達者本人 使用人・従業者 同居者 氏名() 郵便局に出局した書類の受領について相当のわきまがあると思われる次の者に渡した。 4 使用人・従業者 同居者 氏名()		
差出人記入欄	上記のとおり送達しました。 平成19年3月9日 郵便局 配達担当者 長谷川 明		

- (注意)
- 1 受領者が押印又は署名をすることができないときは、「受領者の押印又は署名」欄にその旨を記入すること。
 - 2 「送達の場所」欄は、市町村名から住居番号等まで詳細明確に記入すること。ただし、郵便局の窓口において交付したときは、「窓口」とのみ記入すること。
 - 3 「送達年月日時」欄の年月日時のいずれかの数字が1桁のときは、枠内に右詰めで記入すること。また、時刻は24時間制で記入すること。
 - 4 「送達方法」欄は、次により記入すること。
 - (1) 「1」の欄については、数字を「○」で囲む。
 - (2) 「2」、「3」及び「4」の欄については、該当する数字及び該当する者の氏名を「○」で囲み、その氏名を記入する。ただし、該当する者が受送達者本人であるときは、その氏名を記入しない。

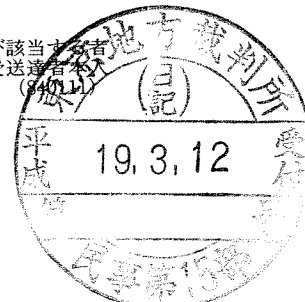


Exhibit B

Richard M. Heimann (State Bar No. 63607)
LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP
Embarcadero Center West
275 Battery Street, 29th Floor
San Francisco, CA 94111-3339
Telephone: (415) 956-1000
Facsimile: (415) 956-1008

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44 Montgomery Street, Suite 2450
San Francisco, CA 94104
Telephone: (415) 433-9000
Facsimile: (415) 433-9008

Interim Co-Lead Counsel for the Direct Purchaser Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

Master File No. M07-1827 SI

MDL No. 1827

This Document Relates to:
ALL DIRECT PURCHASER ACTIONS

**REQUEST FOR INTERNATIONAL
JUDICIAL ASSISTANCE (LETTER
ROGATORY) FOR SERVICE ON MITSUI
& COMPANY (TAIWAN), LIMITED**

To the Appropriate Judicial Authority in Taiwan:

The United States District Court for the Northern District of California presents its compliments to the Appropriate Judicial Authority in Taiwan and respectfully requests international judicial assistance to effect service of process in connection with a civil proceeding currently pending before this Court.

///

NATURE AND PURPOSE OF THE PROCEEDING

Plaintiffs brought an antitrust class action on behalf of all persons and entities who directly purchased a Thin Film Transistor-Liquid Crystal Display (“TFT-LCD”) Product in the United States from the named defendants between January 1, 1996 and December 11, 2006. “TFT-LCD Products” are defined to include both TFT-LCD panels as well as products containing TFT-LCD panels.

Plaintiffs allege that, beginning in at least on January 1, 1996, the defendants conspired, combined, and contracted to fix, maintain, and/or stabilize prices for the TFT-LCD Products that were sold in the United States. Plaintiffs allege that as a result of defendants’ conspiracy, plaintiffs paid higher prices for TFT-LCD Products than they would have paid if the conspiracy had not occurred.

Plaintiffs pray that the Court enter judgment on their behalf, and that the Court decree: that this action may proceed as a class action; that defendants violated Section 1 of the Sherman Act, 15 U.S.C. §1; that plaintiffs and members of the Class shall recover damages sustained by them as provided by federal antitrust laws; that defendants shall be permanently enjoined and restrained from continuing the alleged conspiracy; and that plaintiffs shall recover their costs of this suit.

It has been represented to this Court that defendant Mitsui & Co. (Taiwan), Ltd. is a company organized and existing under the laws of Taiwan, with its principal place of business at:

mitsui & co. (taiwan), ltd.

Tunna Tower 21F
No. 97 Tunhua South Rd. Section 2
Taipei City, 106
Taiwan

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ASSISTANCE REQUESTED

This Court respectfully requests that the Taiwanese judicial authorities:

1. Cause one copy of the following document to be served upon Defendant Mitsui & Co. (Taiwan), Ltd. at the above address in the manner prescribed for the service of similar documents under the laws of Taiwan: Summons in a Civil Action; Third Amended Direct Purchaser Plaintiffs' Consolidated Complaint (with Exhibit A); Standing Order for All Judges of the Northern District of California—Contents of Joint Case Management Statement; this Court's Standing Order; this Court's Case Management Conference Order; this Court's Standing Order Re: Cases Designated For Electronic Filing; and the ECF Registration Information Handout.

2. Cause the person who serves the documents upon an officer of Mitsui & Co. (Taiwan), Ltd. to execute an affidavit of service as provided by Taiwanese law;

3. Return through diplomatic channels to Legal Language Services, plaintiffs' international litigation support firm, the affidavit of service and a copy of the documents which were served.

The Courts of the United States are authorized by statute, Section 1696, Title 23, United States Code, to extend similar assistance to the Tribunals of Taiwan in like cases.

This Court extends to the Judicial Authorities of Taiwan the assurances of its highest consideration.

Respectfully Requested,

Dated: December ____, 2009



The Honorable Susan Illston
District Court Judge, Northern District of California
450 Golden Gate Avenue, Courtroom 10, 19th Floor
San Francisco, California 94102
UNITED STATES OF AMERICA
Tel.: 415-522-2028

Exhibit C

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9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 IN RE: CATHODE RAY TUBE (CRT)
13 ANTITRUST LITIGATION

Case No. CV-07-5944 SC

14 This Document Relates to:

15 *Hawel A. Hawel d/b/a City Electronics v.*
16 *Chunghwa Picture Tubes, Ltd., et al.* (Case
No. CV-07-6279 SC)

17 *Orion Home Systems, LLC v. Chunghwa*
18 *Picture Tubes, Ltd., et al.* (Case No. CV-08-
0178 SC)

**~~[PROPOSED]~~ ORDER RE ISSUANCE
OF LETTERS ROGATORY AND
RELIEF FROM CIVIL LOCAL RULE 4-
2(a)**

Date: N/A
Time: N/A
Courtroom: 1, 17th Floor
Judge: The Honorable Samuel Conti

1 This matter came before the Court pursuant to Civil Local Rule 7-11. Having considered
2 Plaintiffs' request and any opposition, and GOOD CAUSE appearing, IT IS HEREBY
3 ORDERED THAT:

4 The stay in this matter is lifted for the limited purpose of considering Plaintiffs' request
5 for the issuance of Letters Rogatory and relief from Civil Local Rule 4-2(a).

6 Plaintiffs' request for issuance of Letters Rogatory is GRANTED. Letters Rogatory shall
7 issue in order to effect service of process on defendants Chunghwa Picture Tubes, Ltd.
8 ("Chunghwa"), Chunghwa Picture Tubes (Malaysia) Sdn. Bhd. ("Chunghwa Malaysia"), Hitachi
9 Asia, Ltd. ("Hitachi"), and Thai CRT Company, Ltd. ("Thai CRT") in the following two actions:
10 *Hawel A. Hawel d/b/a City Electronics v. Chunghwa Picture Tubes, Ltd., et al.*, Case No. CV-07-
11 6279 SC ("*Hawel*"); and *Orion Home Systems, LLC v. Chunghwa Picture Tubes, Ltd., et al.*,
12 Case No. CV-08-0178 SC ("*Orion*").

13 Plaintiffs' request for relief from Civil Local Rule 4-2(a) is also GRANTED.

14 IT IS SO ORDERED.

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16
17 Dated: 2/13/08


The Honorable Samuel Conti
Judge of the United States District Court for
the Northern District of California

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